IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA) 8:09CR24			
	Plaintiff,)	
	vs.) DETENTION ORDER	
TC	DRRAZE T. DAVIS,))	
	Defendant.	<i>)</i>)	
A.	Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on July 10, 2009, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).		
B.	Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.		
C.	The Court's findings are based on the evidence which was presented in court and contained in the Pretrial Services Report, and includes the following: X(1) Nature and circumstances of the offense charged: X(a) The crime: a conspiracy to distribute and possess with intent to distribute "crack" cocaine (Count I) in violation of 21 U.S.C. § 846; the distribution of "crack" cocaine (Counts II and III) in violation of 21 U.S.C. § 841(a)(1) each carry a minimum sentence of five years imprisonment and a maximum of forty years imprisonment. (b) The offense is a crime of violence. (c) The offense involves a narcotic drug. (d) The offense involves a large amount of controlled substances, to wit:		
	may affect wheth The defendant hat X The defendant hat X The defendant hat X The defendant community. The defendant daties. Past conduct of table in the defendant hat The defendant hat The defendant hat The defendant hat	of the defendant including: ppears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. It is not a long time resident of the oes not have any significant community	

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_	X The defendant has a prior record of failure to appear at court proceedings.
(b) A	At the time of the current arrest, the defendant was on:
(4)	Probation
_	Parole
_	Release pending trial, sentence, appeal or completion of
()	sentence.
(c) C	Other Factors:
_	The defendant is an illegal alien and is subject to
	deportation. The defendant is a legal align and will be subject to
-	The defendant is a legal alien and will be subject to deportation if convicted.
	The Bureau of Immigration and Custom Enforcement
-	(BICE) has placed a detainer with the U.S. Marshal.
	Other:
V (4) TI	
<u>X</u> (4) The na	ture and seriousness of the danger posed by the defendant's
release	are as follows: The nature of the charges in the Indictment and the
derenda	ant's drug abuse and criminal history.
X (5) Rebutta	able Presumptions
	mining that the defendant should be detained, the Court also relied
	following rebuttable presumption(s) contained in 18 U.S.C. §
	which the Court finds the defendant has not rebutted:
	That no condition or combination of conditions will reasonably
	assure the appearance of the defendant as required and the safety
	of any other person and the community because the Court finds
li	hat the crime involves: (1) A crime of violence; or
-	(1) A cliffle of violetice, of (2) An offense for which the maximum penalty is life
_	imprisonment or death; or
	X (3) A controlled substance violation which has a
_	maximum penalty of 10 years or more; or
<u> </u>	(4) A felony after the defendant had been convicted of
	two or more prior offenses described in (1) through (3)
	above, and the defendant has a prior conviction for
	one of the crimes mentioned in (1) through (3) above
	which is less than five years old and which was
	committed while the defendant was on pretrial
V /b) T	release.
	That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety
	of the community because the Court finds that there is probable
	cause to believe:
O	X (1) That the defendant has committed a controlled
-	substance violation which has a maximum penalty of
	10 years or more.
_	(2) That the defendant has committed an offense under
	18 U.S.C. § 924(c) (uses or carries a firearm during
	and in relation to any crime of violence, including a
	crime of violence, which provides for an enhanced
	punishment if committed by the use of a deadly or
	dangerous weapon or device).

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Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: July 30, 2009. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge